

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv234**

**TERRI ELLIS,**

**Plaintiff**

**v**

**BELK, INC.,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

**THIS CAUSE** came on to be heard before the court, pursuant to an order entered by the undersigned in the Pretrial Order and Case Management Plan (#5) directing that the plaintiff and the defendant brief the issue of whether or not the plaintiff was entitled to a jury trial in this matter. The defendant, in its answer, had denied that the plaintiff was entitled to a jury trial. The plaintiff filed her brief (#6) on October 9, 2007 and the defendant filed its response (#7) on October 11, 2007. The undersigned has read and reviewed the brief of the plaintiff and the response of the defendant and finds that the plaintiff is clearly entitled to a jury trial and that the defendant's denial of a right to a jury trial was without any basis whatsoever.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the plaintiff is **ENTITLED** to a jury trial in the above entitled cause.

Signed: October 23, 2007

\_\_\_\_\_

Dennis L. Howell  
United States Magistrate Judge

